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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/885,611

06/20/2001

Jason S. Dell

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BAKER & MCKENZIE
805 THIRD AVENUE
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EXAMINER

TREMBLAY, MARK STEPHEN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,611

Applicant(s)

DELL, JASON S.

Examiner

Mark Tremblay

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

Applicant: Dell

Filing date: 6/20/01

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication #2002/0059366 to Yap ("Yap" hereinafter) and U.S. Patent #5,884,271 to Pitroda ("Pitroda" hereinafter), each in view of the other. Yap teaches a smart card having a memory and a processor for executing different application programs stored in the memory, a method of using the stored application programs, the method comprising:

receiving in a smart card one of a plurality of application programs from an external system;

receiving in the smart card a plurality of symbols representing the plurality functions of one of the application programs from the external system; and

displaying on a display of the smart card the plurality of received symbols for identification of the functions of the application program by a user. While Yap teaches the use of a general purpose card for several different applications, Yap does not clearly teach that a plurality of those applications may be loaded on the same card. Pitroda teaches a multiple application smart card which has a display for displaying several applications (credit, bank, medical, etc.) loaded on the smart card, otherwise meeting the limitations of the claims, but does not teach that these

constitute "icons". It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the load a plurality of the applications taught by Yap on the same card taught by Yap, as suggested by Pitroda, because this would increase the versatility and utility of the card, as taught by Pitroda. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use "icons" as taught by Yap on the card taught by Pitroda, because icons help the user visually associate a button with a function, as taught by Yap, where a function is the equivalent of an application in the combined teachings. In other words, "call mom" and "call dad" could be equivalently thought of as functions or applications of the card.

Re claims 3-12, 14-17, and 19-23, these uses of icons were notoriously old and well known in the art at the time the invention was made. For example, versions of the Windows operating system would perform all of these functions. Microsoft was known to trade icon presence and position on the desktop operating system, for example for Internet Service Provider set-up icons, for valuable favors. Versions of the operating system such as ME would display icons more prominently based on the frequency of use or the last use. Since Microsoft's graphical user interface has been determined to be a monopoly in court, it is considered notoriously well known in the computer arts.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent #5,767,896 to Nemirofsky teaches a smart card which can receive and display various advertisements or applications together with an icon, and further teaches that these can be deleted as they are no longer needed. See column 4, lines 16-25.

U. S. Patent # 5,880,769 to Nemirofsky is cited for showing a smart card which can scroll through various downloaded applications or advertisements.

U. S. Patent #5,955,961 to Wallerstein, U. S. Patent #5,276,311 to Hennige, and U. S. Patent #4,837,422 to Dethloff et al. are cited for showing multiple application smart cards with displays and inputs to select among various applications of the cards.

Voice

Inquiries for the Examiner should be directed to Mark Tremblay at (703) 305-5176. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (703) 305-3503. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.


MARK TREMBLAY
PRIMARY EXAMINER

June 30, 2002